

FEDERAL MARITIME COMMISSION

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HANGZHOU QIANWANG DRESS CO., LTD.

Docket No. 17-02

Complainant,

**RESPONDENT’S
CERTIFICATION IN
OPPOSITION TO
COMPLAINANT’S
APPLICATION TO ENLARGE**

-against-

RDD FREIGHT INTERNATIONAL INC.

Respondent.

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PLEASE TAKE NOTICE, that pursuant to Rules 26 and 37 of the Federal Rules of Civil Procedure as well as the FMC Rules 502.150, Respondent RDD FREIGHT INTERNATIONAL INC. ("RDD") , by and through its undersigned counsel, hereby opposes to the Application by Complainant HANGZHOU QIANWANG DRESS CO., LTD. (“HQD”) to enlarge the time to respond to its pending Motion to Compel Discovery, as follows:

1. RDD’s First Request for Production of Documents and First Set of Interrogatories were duly served upon the Complainant on October 25, 2017. In return, four months later, HQD served upon the FMC a copy of “Complainant’s Objections and Responses to Respondent’s First Request for Production of Documents” dated Feb. 22, 2018 – without Certificate of Service. By FMC Rules, the Complainant’s Responses and Objections were at least Four (4) Months late and thus shall be ruled invalid.
2. At the last telephone conference, HQD’s principal Mr. Qian did promise he would file a response, if not sooner, by April 25 -- the deadline set by the Judge. For the record,

Respondent did file its Motion to Compel on or about April 6, 2018 – well before the deadline of April 11, 2018.

3. Now, HQD’s principal Mr. Qian has made an email request to enlarge time, contrary to the motion procedures under FMC Rules 520, Respondent respectfully opposes for the following reasons:

- a. This so-called motion should be rejected upfront as it is at most an informal request to enlarge time. Having refused to hire an attorney, HQD should not be allowed bypass the well- established rules of motion procedure. HQD should be treated under the same standard that the Court holds towards the parties – attorney or not.
- b. The excuse that HQD employs is disingenuous at best – Mr. Qian’s assistant was away...” HQD has had more than 14 days to respond, but Mr. Qian failed to put his act together, even though he promised he would; moreover, Mr. Qian’s so-called assistant – as has always been - should be Ms. Lan Ye – a female person, but here Mr. Qian refers in his email as “he...” (Exhibit A)
- c. HQD’s excuse that its “assistant with good English is traveling...” is no excuse because Mr. Qian could have hired anyone within good English to respond to the Motion to Compel, just as he did previously.
- d. There are substantial problems with HQD’s Objections and Responses, as they are either invalid objections to most of the interrogatories, or evasive and incomplete responses to the interrogatories and to the request for production. In response to RDD’s Request for Production of Documents, Respondent provided certain Shipping Documents that RDD already has, except for a


computer printout of some order entries from the Consignee SWAK Kids that were even not legible.

CONCLUSION

Respondent submit that its first set of interrogatories and requests for production were properly seeking discovery regarding any nonprivileged matter that is relevant and critical to its claim or defense and proportional to the needs of this case under the Federal Rules of Evidence as well as the FMC Rule.

Therefore Respondent respectfully request this Honorable Court to grant this motion to compel due discovery from the Complainant or an Order striking its pleadings and/or sanctions against HQD.

RESPECTFULLY SUBMITTED April 18, 2018.


REN RONG PAN ATTORNEY AT LAW
Attorney for Respondent RDD FREIGHT
INTERNATIONAL INC.
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New York, NY 10038
(212) 406-5533
E-mail: rpanlaw@yahoo.com

TO: COMPLAINANT - Hangzhou Qianwang Dress Co., Ltd.
c/o Lan Ye
36-38 Main Street
Flushing, NY 11355

CERTIFICATE OF SERVICE

I hereby certify, pursuant to Title 28 U.S.C. §1746 and FMC Rules, that on April 18, 2018,

I served a true and correct copy of the following document:

**RESPONDENT'S CERTIFICATION IN OPPOSITION TO COMPLAINANT'S
APPLICATION TO ENLARGE
with Exhibits.**

by mailing it in a sealed envelope, with postage prepaid thereon, in an official depository of the U.S. Postal Service within the State of New York, to be delivered by First Class Mail to:

1. Via Verified E-Mail: secretary@fmc.gov

Rachel Dickon, Assistant Secretary of the FMC Commission
800 North Capital Street, N.W.
Washington, DC 20573-0001

2. Via Priority Mail with One Original and Four Copies to:

Hon. Clay G. Guthridge,
Chief of Administrative Law Judge
800 North Capital Street, N.W.

Rachel Dickon, Assistant Secretary of the FMC
800 North Capital Street, N.W.
Washington, DC 20573-0001

3. Via Regular First Class Prepaid Mail and E-mail echohats@aliyun.com to:
Hangzhou Qianwang Dress Co., Ltd.
c/o Lan Ye
36-38 Main Street
Flushing, NY 11355

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
April 18, 2018


REN RONG PAN ATTORNEY AT LAW

Subject: HANGZHOU QIANWANG DRESS CO., LTD. Docket No. 17-02

From: echohats@aliyun.com
To: Judges@FMC.gov; rpanlaw@yahoo.com
Date: Tuesday, April 17, 2018, 9:07:33 AM EDT

Dear Sirs:
Because my assistant(he has good English) is travelling now, he need be back end of April, so I need to reply or confirm all the quesiton before May 07.
Please confirm it is okay. TKS
B.R
qian xingliang
hangzhou qianwang dress co., ltd.

"A"